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JOHN EARL CAMPBELL

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JOHN EARL CAMPBELL,  
Plaintiff,

v.

NATIONAL RAILROAD PASSENGER  
CORPORATION dba AMTRAK, JOE DEELY  
and DOES 1 through 15 inclusive,  
Defendants.

Case No. C05-05434 MJJ

**STIPULATION TO CONTINUE TRIAL  
DATE AND PRE-TRIAL ORDER  
DATES; ORDER**

**Current Trial Date: 7/23/2007**

**New Trial Date: \_\_\_\_\_**

Plaintiff John Earl Campbell and Defendants National Railroad Passenger Corporation (aka "Amtrak") and Joe Deely (collectively referred to herein as "the Parties") hereby stipulate to the following continuances in light of the following circumstances, as follows:

1. Trial is presently scheduled in this case for July 23, 2007.
2. The Court has scheduled on July 10, 2007 a pre trial conference.
3. Under the Court's Pretrial Order, the following items must be filed or exchanged

1 no later than 20 days prior to the pretrial conference (or on June 20<sup>th</sup>): (1) pretrial conference  
2 statement which includes each party's list of trial witnesses; (2) joint set of agreed-upon jury  
3 instructions; (3) set of proposed separate jury instructions; and (4) trial exhibits.

4 4. Under the Court's Pretrial Order, the following items must be filed or exchanged  
5 no later than 10 days prior to the pretrial conference (or on June 29<sup>th</sup>): (1) set of separate jury  
6 instructions objections and stipulations to same; (2) motions in limine; (3) complete set of trial  
7 exhibits with stipulations on admissibility, etc.; (4) objections to other evidence; (5) voir dire;  
8 and (6) verdict forms.

9 5. Under the Court's Pretrial Order, the following items must be filed or exchanged  
10 no later than 5 days prior to the pretrial conference (or on July 5<sup>th</sup>): opposing briefs to motions in  
11 limine.

12 6. Under the Court's Pre Trial Order, the parties are required to meet and confer  
13 about their exhibits, jury instructions and other evidence between the 20th and 10th court days  
14 before the pre-trial conference.

15 7. The Parties submit and agree that because the Court has not issued its order on  
16 Defendants' motions for summary judgment, because counsel for both Plaintiff and Defendants  
17 are presently in trial on an unrelated case (also in the Northern District, before the Honorable  
18 Susan Illston), *Moyse Howard, Jr. v. National Railroad Passenger Corporation, et al.*, Case No.  
19 Case No. C05-04069 SI, the Parties' counsel are unable to meaningfully contribute and  
20 participate in preparing the pretrial items listed above that are due under the Court's Pretrial  
21 Order and prepare for trial.

22 8. On June 15, 2007, the Court held oral argument on Defendants' motions for  
23 summary judgment, after which the court suspended the pre trial order until issuance of the  
24 court's order on Defendants' summary judgment motions.

25 9. Even assuming *arguendo* the Court allows the Parties and their counsel a few  
26 additional days to prepare the items listed above in advance of the current trial date and prepare  
27 for trial, there would be insufficient time because the *Howard* trial is ongoing.

28 10. The Parties further agree that good cause exists on which to continue the trial

1 date in this case, and that this stipulation is made in good faith.

2 11. The Parties estimate the trial will take approximately three (3) to four (4) weeks.

3 12. The Parties ask that the Court consider their attorneys' schedules when resetting  
4 the trial date, to wit:

5 a. Counsel for Plaintiff presently has a trial scheduled in October and  
6 November 2008, during which Plaintiff's counsel is unavailable for trial  
7 in this case;

8 b. Counsel for Defendants have trials and long-standing vacation plans in  
9 August (trial), September (vacation), October (vacation) and November  
10 (trial) 2008, during which defense counsel are unavailable for trial in this  
11 case;

12 c. Counsel for Defendants expects to be set for trial in October 2008, during  
13 which defense counsel would be unavailable for trial in this case; and

14 d. Given the parties' circumstances and schedule, the parties jointly request  
15 that trial be reset from July 23, 2007 to after January 28, 2008.

16 IT IS SO STIPULATED.

17 Dated: June 26, 2007

PRICE AND ASSOCIATES

18  
19 By: /s/

PAMELA Y. PRICE  
Attorneys for Plaintiff  
JOHN EARL CAMPBELL

20  
21  
22 Date: June 25, 2007

JACKSON LEWIS LLP

23 By: /s/

24 KATHLEEN MAYLIN  
25 CARA CHING-SENAHA  
Attorneys for Defendants  
26 NATIONAL RAILROAD PASSENGER  
CORPORATION dba AMTRAK and JOE  
27 DEELY  
28

**ORDER**

Pursuant to the Parties' stipulation, and finding GOOD CAUSE therefore:

1. The current trial date of July 23, 2007 and the pretrial conference date of July 10, 2007 are hereby vacated;
2. The new trial date is: \_\_\_\_\_;
3. The new pretrial conference is: \_\_\_\_\_;
4. Items that were originally due 20 days prior to the pretrial conference under the 2006 Pretrial Order shall now be filed or exchanged no later than: \_\_\_\_\_;
5. Items that were originally due 10 days prior to the pretrial conference under the 2006 Pretrial Order shall now be filed or exchanged no later than: \_\_\_\_\_;
6. Items that were originally due 5 days prior to the pretrial conference under the 2006 Pretrial Order shall now be filed or exchanged no later than: \_\_\_\_\_; and
7. All other dates under the Court's 2006 Pretrial Order are hereby vacated.

IT IS SO ORDERED.

DATED: June \_\_\_\_\_, 2007

\_\_\_\_\_  
HONORABLE MARTIN J. JENKINS  
United States District Judge

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